



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,396	10/19/2007	Kianoush Namvar		3013

7590 05/19/2011
KIANOUSH NAMVAR
TRODEHIMSGATAN 48
KISTA, SE-164 30
SWEDEN

EXAMINER

SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
----------	--------------

2425

MAIL DATE	DELIVERY MODE
-----------	---------------

05/19/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,396	NAMVAR, KIANOUSH	
	Examiner	Art Unit	
	JEAN Duclos SAINT CYR	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7,8 and 10-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8 and 10-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/24/2011 has been entered.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 7-8, 10-19, 21-25 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 4-5, 6-10, 12-20, 21-22, 2-3, 14 of copending Application No. 12980296, hereinafter referred to as '296. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Current Application	Co-pending Application
Claim 1: a system for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal	Claim 1: A system for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal

<p>represents a type of information belonging to a particular contents category, comprising: a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers;</p> <p>at least one client computer each having an interface towards the central management server and being adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted under management of the central management server; whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents category.</p>	<p>represents a type of information belonging to a particular contents category, comprising:</p> <p>a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers~ and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers;</p> <p>at least one client computer each having an interface towards the central management server and being adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted under management of the central management server, whereby the administrative instructions specifies for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents</p>
--	--

	category.
<p>Claim 12:</p> <p>Currently Amended) A client computer for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category, comprising: a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers,</p> <p>at least one client computer each having an interface towards the central management server adapted to produce administrative instructions for</p>	<p>Claim 12:</p> <p>A client computer for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category, comprising: a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers,</p> <p>at least one client computer each having an interface towards the central management server adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted</p>

<p>organizing a sub-set of the signals to be transmitted under management of the central management server-whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents category; specifies, for each signal to-be transmitted, a transmission resource, a time instance and a contents category, a graphical user interface adapted to present a time relationship between different signals to be transmitted on at least one channel over which the client computer has a management control.</p>	<p>under management of the central management server, whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents category ;a graphical user interface adapted to present a time relationship between different signals to be transmitted on at least one channel over which the client computer has a management control.</p>
<p>Claim 21: A computer program product comprising an electronic computer readable storage memory storing computer executable instructions for organization of signals for</p>	<p>Claim 21: A computer program product comprising an electronic computer readable storage memory storing computer executable instructions for organization of signals for</p>

<p>transmitting thereof to a plurality of subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category, the executable instructions comprising:</p> <p>first instructions for receiving administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organizing signals from a number of signal sources before transmission thereof to the subscriber receivers,</p> <p>second computer instructions for producing administrative instructions for organizing a sub-set of the signals to be transmitted,</p> <p>third computer instructions for receiving the signals and, in accordance with the administrative instructions, transmitting these signals to the</p>	<p>transmitting thereof to a plurality of sub\-\ subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category, the executable instructions comprising:</p> <p>first instructions receiving administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organizing signals from a number of signal sources before transmission thereof to the subscriber receivers,</p> <p>second computer instructions [or producing administrative instructions for organizing a sub-set of the signals to be transmitted,</p> <p>third computer instructions for receiving the signals and, in accordance with the administrative instructions, transmitting these signals to the subscriber receivers,</p> <p>the -administrative instructions specifies, for each signal to be transmitted, at least a</p>
--	--

<p>subscriber receivers, the administrative instructions for each signal to be transmitted, at least a number of transmission resources, a time instance and a</p> <p>contents category, and</p> <p>fourth computer instructions for controlling a graphical user interface to present a time relationship between different signals to be transmitted on at least one channel over which the computer program has a management control.</p>	<p>number of transmission resources, a time instance and a contents category;</p> <p>fourth computer instructions for controlling a graphical user interface to present a time relationship between different signals to be transmitted on at least one channel over which the computer program has a management control.</p>
<p>Claim 22:</p> <p>An electronic computer readable storage medium, having a program recorded thereon, wherein said program is adapted to organize transmission of signals to a plurality of subscriber receivers, wherein each signal represents a type of</p>	<p>Claim 22:</p> <p>An electronic computer readable storage medium, having a program recorded thereon wherein said program is adapted to organize transmission of signals to a plurality of subscriber receivers, wherein each signal represents a type of information</p>

<p>information belonging to a particular contents category and comprises:</p> <p>first instructions for receiving administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organizing signals from a number of signal sources before transmission thereof to the subscriber receivers,</p> <p>second computer instructions for producing administrative instructions for organizing a sub-set of the signals to be transmitted,</p> <p>third computer instructions for receiving the signals and, in accordance with the administrative instructions, transmitting these signals to the subscriber receivers, the -administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resource, a time instance and a contents category,</p>	<p>belonging to a particular contents category and comprises:</p> <p>first instructions for receiving administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organizing signals from a number of signal sources before transmission thereof to the subscriber receivers,</p> <p>second computer instructions for producing administrative instructions for organizing a sub-set of the signals to be transmitted,</p> <p>third computer instructions for receiving the signals and, in accordance with the administrative instructions, transmitting these signals to the subscriber receivers, the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resource, a time instance and a contents category, and</p> <p>fourth computer instructions for controlling a</p>
--	---

and fourth computer instructions for controlling a graphical user interface to present a time relationship between different signals to be transmitted on at least one channel over which the computer program has a management control.	graphical user interlace to present a time relationship between different signals to be transmitted on at least one channel over which the computer program has a management control.
---	---

The dependent claims 2-4, 7-8, 10-19, 23-25 of the current application are identical to dependent claims 4-10, 13,15-20; 2-3, 14 of the co-pending application. The independent claims in both applications are identical.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7-8, 10-25 have been considered but are moot in view of the new ground(s) of rejection. Applicant failed to overcome the 101 rejection and that rejection is maintained.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Art Unit: 2425

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-22 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The applicant clearly discloses, in paragraph 0068, that the carrier may be any entity or device capable of carrying the program. For example, the carrier may comprise a storage medium, such as a ROM (Read Only Memory), for example a CD (Compact Disc) or a semiconductor ROM, or a magnetic recording medium, for example a floppy disc or hard disc. Further, the carrier may be a transmissible carrier such as an electrical or optical signal which may be conveyed via electrical or optical cable or by radio or by other means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-8, 10-16, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshii (20030105809) et al in view of Zigmond et al, US No.6698020 .

Re claim 1, Yoshii et al disclose a system for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category, comprising(see fig.2, a plurality of user terminals 510, 520 and 530; category" field shows a particular category of products or services for which the advertisement is intended,0147):

a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers(see fig.2, element 100; The automatic distribution server 100 manages programs to be delivered over the Internet 10, along with commercial clips to be inserted in the middle of a program, 0101);

at least one client computer each having an interface towards the central management server and being adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted under management of the central management server(see fig.2, elements 310 and 320, program editing stations; The

Art Unit: 2425

program editing stations 310 and 320 create and edit program video streams. They send the finished program content to the video distribution server 200, as well as providing information about such content to the automatic distribution server, 0103; and elements 410 and 420 representing commercial providers).

But did not explicitly disclose whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents category.

However, Zigmond et al disclose whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents category(the ad selection criteria could ensure that certain advertisements are shown at the time of day desired by the advertiser i.e., showing "late nite" ads vs. "primetime" ads, col.13, lines 64-67; col.14, lines 13-23).

Therefore, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to use the teachings of Zigmond et al into the invention of Yoshii, thereby "whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a contents category" for the purpose of allowing the advertisers to choose a specific time to broadcast their commercials.

Re claim 2, Yoshii et al disclose wherein a transmission unit is adapted to receive the signals from the central management server and, in accordance with an organization scheme produced by the central management server, transmits the signals via a central signal distribution system(see fig.2, element 10, internet network; aside from the Internet connections, the automatic distribution server 100 and video distribution server 200 are on a local area network or similar private communications system,0100).

Re claim 3, Yoshii et al disclose wherein each of the subscriber receivers comprises an interpreting unit having a user specific key representing a profile category of at least one user associated with the subscriber receiver, the interpreting unit being adapted to control the reception of a signal such that the key in combination with a piece of contents category information received with respect to a segment of the signal control the subscriber receiver to present a predetermined sub-segment transmitted via a particular transmission resource(membership manager 110 maintains a membership table 111 to manage "member profile," the information about each individual user who signed up for the content delivery service. The membership table 111 stores such profile information of the membership, together with their identifiers and passwords,0113; 0178).

Re claim 4, Yoshii et al disclose wherein it comprises a return channel from at least

Art Unit: 2425

one particular subscriber receiver of the subscriber receivers adapted to forward activity-monitoring information pertaining to signals having been presented in the particular subscriber receiver to the central management server, and the central management server is adapted to generate a compiled data set representing the activity-monitoring information, and at least one of the at least one client computer is adapted to receive the compiled data set from the central management server, and produce the administrative instructions on basis thereof(see fig.1; the schedule data compiler 140 compiles schedule data for the requesting customer 24 accordingly,0115; The content management center 21 pays copyright fees to the program content provider , as well as providing statistical analysis about viewership and programs,0109;0376; 0095-0097 +; 0229).

Re claim 7, Yoshii et al disclose wherein it comprises at least one billing unit adapted to produce billing information pertaining to a respective utilization of the transmission resources administrated by the central management server(see fig.5, element 190; The data analyzer 190 makes payments of content fees. More specifically, the data analyzer 190 gives notice of content fee payments to the program editing station 310 of each individual content provider, 0334).

Re claim 8, Yoshii et al disclose did not explicitly disclose wherein it comprises at least one auxiliary distribution channel which include at least one distribution resource in

Art Unit: 2425

addition to the central signal distribution system adapted to transmit signals to the subscriber receivers outside the central management server.

However, Zigmond et al disclose wherein it comprises at least one auxiliary distribution channel which include at least one distribution resource in addition to the central signal distribution system adapted to transmit signals to the subscriber receivers outside the central management server(see fig.8, where ISP uses different distribution resource path to transmit data to subscribers).

Therefore, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to use the teachings of Zigmond et al into the invention of Yoshii, thereby “one auxiliary distribution channel which include at least one distribution resource in addition to the central signal distribution system adapted to transmit signals to the subscriber receivers outside the central management serve” for the purpose of using plurality of distribution sources for transmitting contents..

Re claim 10, Yoshii et al disclose wherein the signals represent at least one of text information, acoustic information, image information and video information(The video distribution server 200 stores substantive video files and commercial video clips for distribution of programs over the Internet 10,0102).

Art Unit: 2425

Re claim 11, Yoshii et al disclose wherein at least one of the subscriber receivers is represented by at least one of a TV-tuner, a satellite signal decoder, a computer and a broadband mobile communication terminal(see fig.2, computer).

As claim 12, the claimed “ a client computer for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category, comprising: a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receiver and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers...”is composed as the same structural elements as previously discussed with respect to the rejection of claim 1.

Re claim 13, Yoshii et al disclose wherein the graphical user interface comprises a first graphical means adapted to, for each of the signals to be transmitted on the at least one channel, present the signal's contents category, and a second graphical means adapted to, for at least a sub-set of the signals to be transmitted on the at least one channel, enable a user to manipulate segments of each signal such that a particular sub- segment will be presented in each subscriber receiver of the subscriber receivers which has a profile category matching a contents category associated with the particular sub-segment(see fig.28; a list of programs that fall into a specified genre,0222; Each row of the desired program list 772 forms an associated set of parameters that are

Art Unit: 2425

related to a particular program of the customer's choice,0224) .

Re claim 14, Yoshii et al disclose wherein the graphical user interface comprises a third graphical means adapted to, for at least a sub-set of the signals to be transmitted on the at least one channel, enable the user to select a suitable sub- segment for each of a number of profile categories for a segment of a signal(see fig.30).

Re claim 15, Yoshii et al disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a profile category, wherein a default profile category is based on a compiled data set formed on basis of activity-monitoring information pertaining to signals having been presented in the subscriber receivers(see fig.26; The terminal 1 transmits this delivery schedule information 3c to the server 2 in response to a certain user action,0097;0173).

Re claim 16, Yoshii et al disclose wherein the third graphical means comprises a selection means adapted to allow the user to, for each sub-segment select a geographical area within which subscriber receivers will present the sub-segment, wherein a default geographical area is based on positional information pertaining to signals having been presented in the subscriber receivers(see fig.6, residence; the sixth text box 616 is used to enter the residence of the customer,0119).

Re claim 18, Yoshii et al disclose comprising a compiler adapted to produce a preliminary organization of the signals on the at least one channel before transmitting corresponding administrative instructions to the central management server(see fig.5, compiler).

Re claim 19, Yoshii et al disclose wherein the graphical user interface comprises a fourth graphical means adapted to enable a user to manipulate the preliminary organization of the signals, and client computer comprises processing means adapted to, based on the user manipulations, produce administrative instructions to the central management server(see fig.3, input device interface, keyboard; The user terminals 510, 520, and 530 send schedule data to the automatic distribution server 100 in response to a user action, to specify what each customer wishes to receive and when, 0104).

Re claim 20, is met as previously discussed with respect to the rejection of claim 10.

As claim 21, the claimed "first instructions for receiving administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organizing signals from a number of signal sources before transmission thereof to the subscriber receivers...; fourth computer instructions for controlling a graphical user interface to present a time relationship between different signals to be transmitted on at least one channel over which the computer program has

Art Unit: 2425

a management control" is composed as the same structural elements as previously discussed with respect to the rejection of claim 12.

Re claim 22, is met as previously discussed with respect to the rejection of claim 21.

Re claim 23, is met as previously discussed with respect to the rejection of claim 1.

Re claim 24, Yoshii et al disclose wherein the organization scheme specifies, for each signal to be transmitted, at least a contents category, wherein the contents category for at least one segment of the signal determines which sub-segment that will be presented in which subscriber receiver("Category" field shows a particular category of products or services for which the advertisement is intended,0147;0019; when the time comes, the server 2 begins delivering relevant pieces of content 4a, 4b, 4c, and so on to the terminal,0097; 0119).

Re claim 25, Yoshii et al disclose wherein the graphical user interface comprises a second graphical means adapted to verify the content of the each of the signals to be transmitted with respect to the contents of any neighboring signal segments(Once the login parameters are successfully verified,0172; 0170; 0115; 0169).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshii (20030105809) et al in view of Zigmond (6698020) further in view of Holtz et al, US No. 6760916.

Re claim 17, Yoshii et al did not explicitly disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a priority level denoting a relative position of the sub-segment within a particular segment.

However, Holtz et al disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a priority level denoting a relative position of the sub-segment within a particular segment(a user can select, for example, the type of news stories ,i.e., lead story, special reports, college football, local weather, traffic, stock market, and the like, and the priority or sequencing of the news stories,col.32, lines 9-12).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the invention of Yoshii in introducing priority in selecting contents, as taught by Holtz, for the purpose of allowing users to customize their schedule according to some predefined rules or priorities.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be

Art Unit: 2425

reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcy /

/Brian T Pendleton/

Supervisory Patent Examiner, Art Unit 2425